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5 and  
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9  
10 U.S. Bank, National Association  
09-77722

11 **UNITED STATES BANKRUPTCY COURT**  
12 **SOUTHERN DISTRICT OF NEVADA**  
13

14 In Re:

15 Borislav Glavas and Ljiljana Glavas  
16

17 Debtors

09-22488-mkn

MS Motion No. 48  
Order No. 72

Chapter 13

18  
19 **DECLARATION RE BREACH OF CONDITION**

20 STATE OF ARIZONA )  
21 )ss.  
COUNTY OF MARICOPA )

22 I, Olivia A. Todd declare and state:

23 1. As to the following facts, I know them to be true of my personal knowledge, and if called  
24 upon to testify in this action, I could and would testify competently thereto.

25 2. I am President of National Default Servicing Corporation authorized outsourcing agent for  
26 U.S. Bank, National Association, Secured Creditor herein, and am most familiar with the loan and the  
ongoing bankruptcy case.

3. The real property subject to the Trust Deed is commonly described as 5539 Johnny Holiday St., Las Vegas, NV 89113 and legally described as follows:

LOT 24 BLOCK 3 OF TIMBER CREEK VILLAGE 2 PHASE B, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 84, OF PLATS, PAGE 5, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

4. I have examined the document entitled "Order Regarding Adequate Protection", which was filed with the Court on July 13, 2010. I represent my personal knowledge as to whether the Debtors have complied with the requirements of said Order.

5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the date of this Declaration in which to cure the delinquencies due. If upon the 16<sup>th</sup> day, Debtors has failed to so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured Creditor.

6. As of the date of this Declaration, the Debtors have not made the payments as required by the aforementioned Order. The Debtors are presently past due as follows:

2 Monthly Payments(s) at \$1,266.41 (July 1, 2010 - October 1, 2010)	\$2,532.82
2 Late Charge(s) at \$53.38 (July 1, 2010 - October 1, 2010)	\$106.76
4 Adequate Protection Charge(s) at \$1,494.16 (July 1, 2010 - October 1, 2010)	\$5,976.64
Attorneys Fees	\$150.00
Suspense Amount	(\$67.18)
Total	\$8,699.04

7. Debtors are responsible for the subsequent payments that will come due during this Breach period as described in the Adequate Protection Order:

**PARTIAL TENDERS WILL NOT BE ACCEPTED**

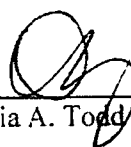
8. Due to Debtor's failure to timely and properly comply with the Order as set forth hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the Stay Order to take possession of its real property.

1 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance  
2 and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.


3 10. Should the Debtor cure the default, the Debtors must forward the funds to:

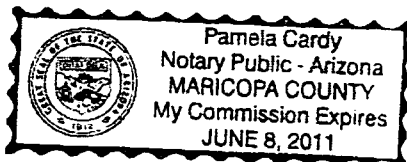
4 **GREGORY L. WILDE, ESQ.**  
5 **WILDE & ASSOCIATES**  
6 **212 South Jones Boulevard**  
7 **Las Vegas, Nevada 89107**

8 I declare under penalty of perjury that the foregoing is true and correct.

9  
10   
Olivia A. Todd

11 SUBSCRIBED and SWORN to before me  
12 this 8<sup>th</sup> day of October, 2010

13   
14 Pamela Cardy  
15 Notary Public in and for said  
16 State and County



Case 09-22488-mkn Doc 72 Entered 07/13/10 10:15:10 Page 1 of 4



Entered on Docket  
July 13, 2010

  
Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

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U.S. Bank, N.A.  
09-77722 / 4800091595

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In Re:  
  
Borislav Glavas and Ljiljana Glavas

BK-S-09-22488-mkn

MS Motion No. 48  
Date: 6/2/2010  
Time: 1:30

Chapter 13

Debtors.

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

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1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the  
2 post-petition arrearages currently due as follows:

3	6 Monthly Payments(s) at \$1,266.41	\$7,598.46
4	(January 1, 2010 - June 1, 2010)	
5	6 Late Charge(s) at \$53.38	\$320.28
6	(January 1, 2010 - June 1, 2010)	
7	Property Inspections	\$160.00
8	Motion for Relief Filing Fee	\$150.00
9	Attorneys Fees	\$750.00
10	Suspense Amount	(\$13.80)
11	Total	\$8,964.94

12 The total arrearage shall be paid in six monthly installments. Payments one through five  
13 (1-5) in the amount of \$1,494.16 shall be in addition to the regular monthly payment and shall be  
14 due on or before the 20th day of the month commencing with the July 20, 2010 payment and  
15 continuing throughout and concluding on or before November 20, 2010. The sixth final payment  
16 in the amount of \$1,494.14 shall be paid on or before November 20, 2010.

17 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume  
18 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,  
19 beginning with the July 1, 2010, payment, on Secured Creditor's Trust obligation, encumbering the  
20 subject Property, generally described as 5539 Johnny Holiday St. , Las Vegas, NV 89113, and  
21 legally described as follows:

22 LOT 24 BLOCK 3 OF TIMBER CREEK VILLAGE 2 PHASE B, AS SHOWN BY MAP  
23 THEREOF ON FILE IN BOOK 84, OF PLATS, PAGE 5, IN THE OFFICE OF  
24 THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

25 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make  
26 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured  
Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file  
and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of  
Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an  
attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth  
(16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this  
Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may

1 thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable  
2 State Law, and take any action necessary to obtain complete possession thereof.

3 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor  
4 shall give Debtors at least five business days' notice of the time, place and date of sale.

5  
6 Submitted by:

7 WILDE & ASSOCIATES

8  
9 By 

10 GREGORY L. WILDE, ESQ.  
11 Attorneys for Secured Creditor  
12 212 South Jones Boulevard  
Las Vegas, Nevada 89107

13 APPROVED AS TO FORM & CONTENT:

14 Kathleen A Leavitt

15 By 

16 Kathleen A Leavitt  
17 Chapter 13 Trustee  
18 201 Las Vegas Blvd., So. #200  
Las Vegas, NV 89101

Anthony Deluca

By 

Anthony Deluca  
Attorney for Debtors  
5830 W. Flamingo Rd., #233  
Las Vegas, NV 89103

19 Nevada Bar No. 7846

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17 **UNITED STATES BANKRUPTCY COURT**  
18 **SOUTHERN DISTRICT OF NEVADA**

19 In Re:

20 Borislav Glavas and Ljiljana Glavas

21 Debtors.

09-22488-mkn

MS Motion No. 48  
Order No. 72

Chapter 13

22 **CERTIFICATE OF MAILING OF**  
23 **DECLARATION RE BREACH OF CONDITION**

24 1. On 10/13/10 I served the following document(s):

25 DECLARATION RE BREACH OF CONDITION

26 2. I served the above-named document(s) by the following means to the persons as listed below:

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**X a. ECF System**

Anthony Deluca  
delucaecf@gmail.com  
Attorney for Debtors

Kathleen A Leavitt  
courtsecf3@las13.com  
Trustee

**X b. United States mail, postage fully prepaid:**

Borislav Glavas and Ljiljana Glavas  
5539 Johnny Holiday Street  
Las Vegas, NV 89113  
Debtors

☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

N/A

☐ 2. For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

N/A

☐ **d. By direct mail (as opposed to through the ECF System)**

*(List persons and email addresses. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

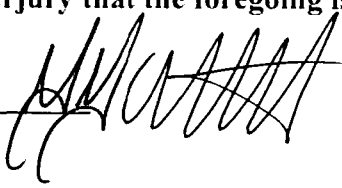


1 Based upon the written assignment of the parties to accept service by fax transmission or  
2 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error  
3 was reported by the fax machine that I used. A copy of the record of the fax transmission is  
4 attached.  
5

6 ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*  
7

8 I served the document(s) by placing them in an envelope or package addressed to the  
9 persons at the addresses listed below and providing them to a messenger for service.  
10 *( A declaration by the messenger must be attached to this Certificate of Service).*  
11

12 **I declare under penalty of perjury that the foregoing is true and correct.**  
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14 Signed on : 10/13/10   
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